

## REMARKS

Allowance of claims 10-13 and 28 is noted with appreciation.

Claims 1, 4-7, 14-19, 27, 29 and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable under McDonough et al '693 in view of Visual Decision's Discovery for Developers (VDDD). This rejection is respectfully traversed.

Each of the independent claims 1, 15, 16, 27, and 29 variously recite, inter alia: "at least one computer connected to said network and receiving said incoming communications information . . . including a display and a processor executing a view application . . . and generating a three-dimensional representation . . . a graphical representation including first, second and third generally orthogonal axes...".

In addition, the dependent claims are further restricted by various recitations of sizes or spaced locations or shapes of displayed objects, or characteristics of displayed objects relative to the incoming communications, or the like. Thus, the three-dimensional graphical presentation on these generally orthogonal axes denotes different types of incoming communications on the first axis, and numbers of incoming communications on the second axis, and categories of incoming communications on the third axis (within the different types of incoming communications). These aspects of the claimed invention are not disclosed or

suggested by the cited references considered either alone or in the combination proposed by the Examiner.

Specifically, McDonough et al. '693 discloses a quality center for a virtual sales-and-service center that monitors 'customer experience' across the telephone customer access resource. Such virtual sales-and-service center provides connection of customers to a resource through any media, at any time, from any customer locations (col. 5, lines 57-60). At best, the figures illustrate three-dimensional representations of the virtual sales-and-service center access logistics. However, contrary to the Examiner's comments, this reference fails to disclose or even suggest the specific aspects of Applicant's claimed invention.

It may be noted that Figure 1 of McDonough et al '693 at best illustrates an x-axis representation of the customer's access method. However, as this reference is understood, neither the x-axis nor the y-and z-axes represent any display characteristic as claimed by Applicant, and offers no hint or suggestion of Applicant's claimed categories within the different types of incoming communications.

More specifically, the y-axis of McDonough et al '693 is disclosed as merely representing the contact initiator which is not similar to, and which presents no suggestion of representing the number of incoming communications, as claimed by Applicant. Such representations merely designates the originating source (i.e.,

customer or company) (col. 5, line 61 to col. 6, line 29). This reference is therefore deficient of any disclosure of a display axis that can represent the number of incoming communications, as claimed by Applicant. As the Examiner correctly notes, McDonough et al '693 does not teach essentially plotting the incoming communications according to the claimed three-dimensional representations.

Nor does the VDDD reference disclose or fairly suggest any of the Applicant's specific claim recitations, or cure the deficient disclosure of McDonough et al '693. And, it is respectfully submitted that there is no instruction or even any incentive or motivation contained in these references for combining these references in the manner proposed by the Examiner. Even if possible to combine, these references would nevertheless fail to establish a *prima facie* basis including all recited limitations from which a proper determination of obviousness can be formed. And, the Examiner is reminded that "it is impermissible within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art" (In re Wesslaw 353 F.2d 238, 147 U.S.P.Q. 391 (CCPA 1965)). It is therefore respectfully submitted that claims 1, 4-7, 14-19, 27, 29 and 30 are patentably distinguishable over the cited art.

Claims 20-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Microsoft Windows 95. This rejection is respectfully traversed.

Independent claim 20 specifically recites, inter alia: “a computer program code for causing said computer to display a user defined landscape. . . in the form of a graph representing different types of incoming communications . . . including first, second and third generally orthogonal axes, a first axis denoting different types of incoming communications, a second axis denoting numbers of incoming communications and a third axis denoting categories of incoming communications within said different types.”

Additionally, the dependent claims are further limited by various recitations of sizes or spaced locations or shapes of displayed objects, or characteristics of displayed objects relative to the incoming communications, or the like.

These aspects of the claimed invention clearly constitute specific display features not disclosed or suggested merely based upon display of a three-axis graph under Windows 95. It is respectfully submitted that there is no suggestion to be found in this citation of displaying a landscape of variable on three axes, as specifically recited in Applicant’s claims. Nor has the Examiner cited any reference that discloses or fairly suggests some modification or adaptation of Windows 95 (notably the PAINT APPLICATION and R. Cowart’s published comments) to yield the specific display and program operation as claimed by Applicant. These

citations are therefore insufficient to establish even a *prima facie* basis including the recited claim limitations from which a proper determination of obviousness can be made. At best, the combination of these citations in a manner proposed by the Examiner constitutes impermissible hindsight reconstruction of Windows 95 in reliance upon instructions derived from Applicant's own disclosure. It is therefore respectfully submitted that claims 20-26 are patentably distinguishable over the cited art.

Reconsideration and allowance of claims 1, 4-7, 14-27, 29 and 30, along with claims 10-13 and 28 are solicited.

Respectfully submitted,  
DEBORAH L. PINARD

Dated: 8/25/05

By: Albert C. Smith  
Albert C. Smith, Reg. No. 20,355  
Fenwick & West LLP  
801 California Street  
Mountain View, CA 94041  
(Tel) 650.335.7296  
(Fax) 650.938.5200